

I am proud to represent the people of Nebraska. Through this agreement, new markets are now open to Nebraska's producers, businesses, and to the communities that rely on them for economic progress. I will continue to work to ensure Nebraska's beef producers have the opportunity to do what they do best—feed the world.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO FEDERAL EMPLOYEES

PHIL NOWAK

Mr. CARPER. Madam President, last month I came to the floor—in fact, I come to the floor just about every month—to highlight the great work being done by the men and women of the Department of Homeland Security.

Last month I focused on the folks who work at FEMA, which is one of 22 agencies that collectively make up the Department of Homeland Security—the newest, youngest Department in the Federal Government.

Just a few days before my speech, much of the east coast was inundated, as you may recall, by one of the largest snowstorms we have had in a long time, and on that day FEMA was working around the clock to prepare for and respond to what could have been a much more devastating storm. We were hit hard, but we would have been a lot worse off if not for the preparation and the training FEMA had done in not just the days, weeks, and months, but literally years ahead leading up to the storm in order to make us better prepared.

For more than a year now, I have come to the floor and I have focused on a different agency within the Department of Homeland Security. It will take about 2 years to knock them all out, but we are making some progress, and I have done so to highlight the exemplary and important work done by more than some 200,000 people who comprise the Department of Homeland Security. They work around the country, and they work outside our country—in Mexico, Central America, South America, Europe, and all over the place in order to make us safer in this country.

These men and women perform a wide range of vitally important work, and they do it every day. They inspect the fruit and vegetables that arrive at our ports of entry, much like the Port of Wilmington in my State. It is the top banana port in the country. They patrol our borders, like the Border Patrol agents dealing with increased mi-

gration from Central America. They defend our computer networks in cyber space, responding to a new and growing 21st-century threat. They keep our Presidents and Vice Presidents and their families and former Presidents and their families, as well as candidates for those positions, along with visiting foreign dignitaries, safe from harm. They have a lot of work to do.

The work of these DHS personnel deployed at the frontlines is made possible in part because of the dedicated work of the men and women behind the scenes at the Department of Homeland Security's Management Directorate. As my colleagues have often heard me say, management really does matter. I will say it again: Management really does matter. And there are few places where that is more true than at the Department of Homeland Security.

The Management Directorate works to support the missions and employees of all 22 component agencies which together comprise the Department of Homeland Security. They rent field offices, they buy essential equipment and vehicles, and they help to ensure that Department employees receive the paychecks and benefits they have worked for and earned. Within the Management Directorate, the Office of the Chief Human Capital Officer works to ensure that the Department is doing what is best for its employees, while providing the Department managers with the guidance and resources they need to help DHS take care of their own.

One member of the Management Directorate is an especially committed fellow whose name is Phil Nowak. He is committed to DHS employees—his fellow colleagues. He is the Chief of Staff in the Office of the Chief Human Capital Officer.

Phil grew up not in Iowa or Delaware, he grew up in San Francisco, not far from where I served in the Navy for a while. He joined the U.S. Coast Guard right after college. After serving in the Coast Guard for 20 years, he retired as a commander. I was once a commander—my favorite rank. Both of us served and exchange salutes all the time, Madam President. But Phil retired as a commander in 2007 and joined the Federal Emergency Management Agency to help coordinate disaster response. In 2010 Phil moved to the Office of the Chief Human Capital Officer, and in 2013 he took over as Chief of Staff.

As Chief of Staff, Phil supports the work of the Chief Human Capital Officer in managing the workforce of the third largest Cabinet agency in our Federal Government—the third largest. With 22 component agencies and DHS employees stationed literally around the world, Phil and his team of 200 men and women certainly have their work cut out for them. Supporting the Department employees and providing them with the resources they need to excel and grow in their work is critical to maintaining a motivated, effective, and capable Department.

With some notable exceptions, we know many of the components of this relatively young Department have struggled with employee morale almost from its inception. Each year the Partnership for Public Service releases its “Best Places to Work in the Federal Government” survey, and each year the Department of Homeland Security ranks at or near the bottom of all the agencies when it comes to overall employee morale.

With Congress imposing shortsighted budget cuts across government, imposing pay freezes, and just last week threatening a shutdown of the Department of Homeland Security in the middle of our fight against ISIS, it is no wonder that sometimes DHS employees feel unappreciated. We probably would too. Despite these setbacks, leaders such as Phil Nowak are working every day and every night to right the ship and improve morale at DHS. And a bunch of us here in the Senate, Democrats and Republicans, are trying to be helpful in that regard.

In providing leadership and direction for human capital management for the Department, Phil Nowak makes sure that the Department's efforts to improve morale translate to each of the 22 different component agencies of the Department of Homeland Security and are felt by each of its 240,000 employees. To help do this, Secretary Jeh Johnson has created what he calls a Unity of Effort Initiative to bring the Department of Homeland Security components together and make the Department greater than the sum of its parts. Phil leads one of the Unity of Effort Initiatives. It is called the Human Capital Leadership Council, which brings together human resources managers from across the Department. Through this coordination and other Unity of Effort Initiatives, Phil's team works hard to better ensure that the Department's 240,000 employees feel like part of a larger DHS family.

In such a large agency, with so many people with diverse talents and backgrounds spread around the world, it is easy to focus on the broader mission and lose sight of the individuals who help the Department achieve its many missions, but Phil, I am happy to say, hasn't lost sight of them. Phil and his team do yeomen's work, and they focus on the value that each and every employee adds to the Department's mission. It is fitting, then, that Phil's colleagues describe him as caring deeply for them and for other employees throughout the Department. His commitment to them is clear, it is welcome, and it is unwavering.

In his own life, Phil values professional resilience, and in a job that is sometimes overlooked, yet incredibly important, I think that is a necessary trait. It is also a fitting quality for a runner, and Phil is an avid runner. I like to run, but this man, Madam President is the real deal. He has completed both the Marine Corps Marathon and the JFK 50 Mile ultra-marathon

twice. I am not fit to carry his running shoes. When he isn't running, Phil is building or fixing something around the house, cheering on those San Francisco 49ers and the San Francisco Giants—I hope it is not when they are playing my Detroit Tigers—and spending time with his wife of 26 years, Cristy, and their three children, Sam, Elizabeth, and Andrew. We are grateful to them for sharing their husband and their dad.

Phil Nowak is just one example of the thousands of men and women at the Department of Homeland Security who work behind the scenes every day to support their colleagues and make our country safer for all of us. Phil and his team focus on individuals, they bring together components through a unity of effort, and they work tirelessly to improve employee morale. Management really does matter, and without Phil and his colleagues at the Management Directorate, the Department's mission to protect our homeland would suffer.

To Phil Nowak and to his team in the Office of the Chief Human Capital Officer, to every other hard-working employee at the Department of Homeland Security and at the Directorate for Management, I want to say a couple of words: Thank you. Let me say them again: Thank you.

This past week I was doing some traveling and going through some airports. We usually try to use the TSA precheck, which goes a little more smoothly because people have been prescreened. At one place we were flying out of, they advertised TSA precheck was open, but it wasn't, so we had to be regular, ordinary people. At each of those places, the folks at TSA—right there at the frontline trying to protect us as we fly around the country, around the world in these airplanes—they were doing their job. It is a hard job, and I would say probably a thankless job. Everyone wants to get through. They do not want to take their shoes off or their belts off or have to take their toiletries out. They want to get through there, get on the plane, and go someplace, but not get harmed and arrive safely.

When I fly, a lot of times I will tell the folks at TSA who I am and the committee I serve on just to let them know we appreciate the work they do for all of us. Every now and then—including over the weekend—a TSA officer will say to me: Nobody has ever thanked me before. How about that. Nobody has ever thanked me before.

So I say: Well, let me thank you again. And keep doing your job well, and hopefully you will get a lot of thanks.

But to all the folks at DHS who are taking on a hard job and doing it well, we thank you for what you do every day to protect our country, the land of the free and the home of the brave. And may God bless you.

FILLING THE SUPREME COURT VACANCY

Mr. CARPER. Madam President, this is a day-night double header. That was the day game, and what I want to do now is focus on the second half of the story as long as time will allow me to do that.

As the Presiding Officer knows, I come from the State of Delaware. Delaware is noted for a number of things, and one of the things we are noted for is that before any other State ratified the Constitution, we did it. For 1 whole week, Delaware was the entire United States of America. We opened it up and we let in Maryland and New Jersey and Pennsylvania, ultimately Iowa and other States, and I think it has turned out pretty well most days. But we were the first to ratify the Constitution.

My family and I live in northern Delaware, and just up the road from us is Philadelphia. That is where the Constitution was first debated, and folks from throughout the 13 Colonies came and argued for and against different provisions and how we should set up the structure of our government. One of the hardest provisions they argued on and debated was whether there should be a legislative branch at all, and if there should be, should it just be unicameral—just one entity, one body within that legislative branch—or should there be two. Should the number of votes and the power that States have be in accordance with the size of their State, how many people they have, or how would they balance things out.

Some of them worked out the Connecticut Compromise that said that every State will have two Senators—the same number—and they will be part of the U.S. Senate, and the House of Representatives would be comprised such that the more people who live in a State, the more Representatives they would have. That was the Connecticut Compromise. It was worked out. It was maybe not a perfect compromise in the eyes of some, but it enabled them to move forward, and most people think it is fair and reasonable.

Another really tough issue they wrestled with in those days was with respect to the third branch of government. We have the executive and the legislative and the judicial branch. The question was, What are the judges going to do, these Federal judges? How are they going to be appointed? Who is going to pick them? And if it is the Chief Executive Officer, should the President be able to name by himself or herself who the judges are going to be, the Federal judges and the Supreme Court Justices? Should it be left up to the Senate? Should it be left up to the House of Representatives? Should it be a joint effort by the House and the Senate? Should there be some role for the President, the Chief Executive, to play? How should it work out?

Time and again they voted on this issue at the Constitutional Convention in Philadelphia. Finally, after a num-

ber of votes that were just not successful—they couldn't come to a successful conclusion—they actually called out for clergy to come in and called on Divine intervention to get over this issue on how to pick, how to select Federal judges. I don't know if it was Divine intervention, but at the end of the day the deal said: The President shall nominate—not appoint, not name, but shall nominate—folks to serve as Federal judges, including the Supreme Court, and the Senate would have an opportunity to provide advice and consent to the President.

We have argued a lot over the years about what advice and consent should be, but it makes very clear that the President has a job to do with respect to the naming of judges. I believe we have a job to do as well.

About 300 yards from the tavern where the Constitution was first ratified on December 1787 in Delaware, with one hand on the Bible I raised my other hand and took an oath to defend the Constitution as Governor of Delaware. I had never thought very much about what kind of qualities I would look for in a judge.

With my Republican opponent in the Governor's race, a wonderful guy named B. Gary Scott, in 1992, we had 35 joint appearances together, debates. In all those forums, no one ever asked: What quality would you look for in the people you would nominate to be a supreme court justice for the State of Delaware or a member of the court of chancery, which is a court that has a national and international role to play?

The superior court also hears not just Delaware cases but national cases as well. In all those forums, nobody ever asked me: What would you consider? As it turned out, that was a very important part of my job. I am proud to say the Delaware judiciary is one of the highest regarded of any State judiciaries that we have. We have a very unusual system where there has to be an equal balance between Democrats and Republicans on the judiciary. It is not a spoils system. If there is one more Republican than a Democrat and there is a vacancy, you have to name a Democrat. That is the way the system works.

When I was Governor, we had a person who had been chancellor of the court of chancery, which is a high honor. He decided he was going to leave. So we had a vacancy to fill. I named a Republican. In that case, I actually had the flexibility to name a Democrat or Republican. I wanted to name the best person that I thought was interested in serving. The criteria I used in nominating people to serve on the judiciary in Delaware was that I wanted people who were really smart. I wanted to nominate folks who knew the law. I sought to nominate people who embraced the Golden Rule, who treat other people the way they want to be treated, so that folks who came before them in a courtroom received